

## **Drug-Free Workplace, Rev. 0**

### **1.0 Who Must Comply With These Requirements**

These requirements apply to JPL employees and persons who are not JPL employees (such as contractor personnel, consultants, visitors engaged in joint projects, etc.), but work at JPL or are involved with any JPL activity on or off JPL premises.

### **2.0 Drug-Free Workplace**

*JPL complies with federal and state law by requiring an alcohol and drug-free environment and a workplace free from drug and alcohol abuse. JPL management takes an active role in monitoring this Requirement to provide a safe and healthy work environment*

- 2.1 Individuals are prohibited from working, or reporting to work, with unauthorized drugs in their systems or when impaired by drugs, including alcohol or other mind-altering substances.
- 2.2 Individuals are also prohibited from the unlawful manufacture, distribution, cultivation, dispensation, possession, sale, offer to sell, purchase, offer to purchase and/or unlawful use of controlled substances, drugs, including alcohol, on JPL premises or its offsite locations, or as any part of JPL's activities.
- 2.3 In addition, individuals are required to remain free from the influence of drugs, including controlled substances, alcohol, or any other substance that may impair the individual's ability to perform his or her job duties safely or productively, or that may otherwise impair his or her senses, coordination or judgment while on duty. This applies to individuals:
  - On the job during work hours, including meal periods and breaks
  - On JPL premises or premises controlled by JPL at any time
  - Involved with any JPL activity on or off JPL premises
  - Using JPL or NASA motor vehicles
- 2.4 Any individual reporting to work (or otherwise at work) under the influence of, or having present in his or her body, any drug including prescribed drugs, alcohol or other substances or medication that may adversely affect the individual's ability to work in a safe, productive, or efficient manner, must advise his or her supervisor before starting work.

- 2.4.1 Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify OHS) to avoid unsafe workplace practices.
- 2.5 Any exception to this Requirement, including requests to approve using alcohol as a ceremonial toast, requires the approval of the Director For Human Resources.
- 2.6 In order to ensure compliance with this Requirement, management, at its discretion, may authorize testing of employees under certain circumstances as set forth in Section 6.0.
- 2.7 An employee who fails a drug and/or alcohol test may be subject to disciplinary action up to and including termination, even for the first offense.

### **3.0 Drug and Alcohol Awareness**

JPL is committed to protecting the safety, health and well being of all employees and other individuals in the workplace. Employees are encouraged to voluntarily seek help with alcohol and/or drug problems. JPL has established a Drug-Free Workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment.

JPL has established and shall maintain a Drug and Alcohol Awareness Program to educate employees about:

- a. JPL's Drug-Free Workplace Requirement
- b. The dangers and health risks of drug and alcohol abuse
- c. The JPL Employee Assistance Program

As part of JPL's education program, managers receive training in recognizing symptoms of substance abuse and how to apply this Requirement in case of a potential violation.

### **4.0 Definitions**

**Drugs** – These include illegal drugs and/or controlled substances, prescription drugs, alcohol, over the counter medications, and/or other mind-altering substances.

**Unauthorized Drugs** – These include illegal drugs and/or controlled substances, and the improper and/or illegal use of drugs – for example, prescription drugs that have not been authorized for the individual or are not used in accordance with the instructions of a physician, etc.

**Impairment** – For purposes of this requirement, an individual is impaired when any of his/her mental or physical abilities are adversely affected by his/her ingestion of drugs, including alcohol or other mind-altering substances.

**Medical Review Officer (MRO)** – A licensed physician responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s positive test result together with relevant biomedical information.

**Workplace** – Any JPL facility, premises or any place JPL business is conducted, such as on-site or off-site training classes or other JPL-sponsored events, working on travel, etc.

## **5.0 Responsibilities**

It is everyone’s responsibility to report actual or suspected violations of this Requirement to management and Employee Relations.

### **5.1 Employee Responsibility**

- 5.1.1 As a condition of employment, JPL employees are required to read, understand, and comply with this Requirement.
- 5.1.2 Employees are encouraged to voluntarily seek help for substance abuse and related problems. The EAP offers counseling and referral services to employees for a wide range of drug and/or alcohol-related problems.
- 5.1.3 Individuals who violate this Requirement may be subject to disciplinary action. The type of discipline will depend on the circumstances of each case and may include discipline up to and including termination, even for the first offense.
- 5.1.4 An individual’s involvement in a rehabilitation program, the Employee Assistance Program, or other intervention or similar program does not excuse or limit the individual’s obligation to comply with JPL Policies, Requirements or with JPL standards.

- 5.1.5 An employee who is convicted, including a plea of no contest, of a criminal drug statute violation must, within 5 days after the conviction, notify JPL, in writing, of such conviction by informing the Manager of Employee Relations.

## **5.2 Contractor Personnel and other Non-JPL-Employees' Responsibility**

- 5.2.1 Persons who are not JPL employees, but perform work for JPL (such as contractor personnel, consultants, visitors engaged in joint projects, etc.) are required to comply with this Requirement.
- 5.2.2 Individuals who violate this Requirement may be barred from the workplace or from doing work for JPL or the California Institute of Technology (Caltech).

## **5.3 Management Responsibility**

- 5.3.1 Management is responsible for complying with this Requirement and reporting violations or suspected violations of this Requirement to Employee Relations.
- 5.3.2 JPL must notify NASA in writing within 10 days of a workplace drug conviction.
- 5.3.3 Managers will participate in management education training to become familiar with the symptoms of substance abuse and how to apply this requirement in the case of a policy violation.

## **5.4 Human Resources Responsibility**

- 5.4.1 Employee Relations administers this Requirement and provides guidance to employees and management in applying and understanding this Requirement.
- 5.4.2 Employee Relations develops and oversees a Drug-Free Workplace training program for employees and supervisors.
- 5.4.3 Employee Relations also conducts investigations when actual or suspected violations of this Requirement are reported.

## **5.5 Medical Review Officer (MRO) Responsibility**

- 5.5.1 The Medical Review Officer (MRO) will review and validate test results.
- 5.5.2 Generally, the MRO will communicate drug and/or alcohol test results to the employee.

- 5.5.3 The Medical Review Officer will review testing procedures and test result interpretations for compliance with standards set forth by the Federal Department of Health & Human Services (DHHS).

## **5.6 Employee Assistance Program (EAP)**

Counselors involved with the Employee Assistance Program (EAP) are available to help employees through counseling and referral services. Employees who voluntarily seek counseling will be assisted by a counselor who treats the meetings as confidential and will not disclose the content of the meetings with anyone without the employee's express permission, except to the extent required by law. However, the availability of, or the employee's involvement in this or any other rehabilitation, intervention or similar program, does not excuse or limit the employee's obligation to comply with JPL Requirements or JPL standards.

## **6.0 Drug and Alcohol Testing**

JPL reserves the right to require drug and/or alcohol testing of its employees as described in the sections below. The type of test required depends on the "Testing Category" (see section 6.2 below).

### **6.1 Testing Protocol**

- 6.1.1 Scientifically validated test procedures are used to determine the presence of drugs or their metabolites and/or alcohol in the systems of employees.
- 6.1.2 Test results are confidential and will not become part of the employee's personnel file.
- 6.1.3 Access to test results or related information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.
- 6.1.4 Collection sites or facilities where specimens are collected and/or where examinations, analysis, and/or tests are conducted to detect drugs, unauthorized drugs, or alcohol are conducted by external facilities and/or laboratories approved by Occupational Health Services.
- 6.1.5 Specimens will be collected in accordance with established procedures to ensure the proper collection of specimen samples, including chain of custody and specimen control.
- 6.1.6 Testing for the presence of alcohol will be conducted by analysis of breath.
- 6.1.7 Testing for the presence of drugs or unauthorized drugs and their metabolites will be conducted by the analysis of urine.

- 6.1.8 Individuals subject to testing will be permitted to provide urine specimens in a restroom stall or similar enclosure so that the individual is not observed while providing the specimen, except when there is reason to believe that the individual may alter or substitute the specimen to be provided.
- 6.1.9 Failure to comply with the instructions of collection site personnel pertaining to JPL's Drug-Free Workplace Requirement may be considered a refusal to test.
- 6.1.10 Before a test is reported as positive to the JPL MRO, the specimen will undergo two levels of testing. If the specimen tests negative on the initial screening test, the test will be reported as negative. If the specimen tests positive on the initial screening test, a second, confirmation test will be performed on the same sample. If the sample still tests positive after the second confirmation test, it will be reported to the JPL MRO as positive.
- 6.1.11 Following a confirmed laboratory detection of alcohol and/or drugs or unauthorized drugs, the MRO will review the test result to determine if there is an alternative medical explanation for the positive test result. This process may involve:
- Verification that the laboratory report and assessment are correct
  - Conducting a medical interview with the individual tested
  - Reviewing the individual's medical history and any relevant biomedical factors
  - Reviewing all medical records made available by the individual tested to determine if a confirmed positive test may have an alternative medical explanation
- 6.1.12 If an individual refuses or fails to participate in a timely manner in the process of reviewing a confirmed positive detection, the situation will be reported to Employee Relations for appropriate handling.
- 6.1.13 If the review by the MRO determines that the test results are positive (meaning alcohol and/or drugs, unauthorized drugs or their metabolites were detected), the positive result will be reported to Employee Relations for handling.
- 6.1.14 Employees will be treated with dignity and their privacy will be respected. Test results and related information are considered confidential. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies. Employee

Relations will work with management as appropriate following receipt of the drug test results.

- 6.1.15 Under the random testing program for employees in designated safety-sensitive positions, Employee Relations will contact management following the receipt of the drug test results only when the situation requires special handling.

## 6.2 Testing Categories

- **Testing of Employees in Designated Safety-Sensitive Positions:** On a periodic, unannounced, random basis for employees in designated safety-sensitive positions, as determined by JPL.

NOTE: For employees in designated safety-sensitive positions, JPL will test for: amphetamines, cocaine, marijuana, opiates, phencyclidine (PCP) and their metabolites.

**In addition, JPL has the right to require employees to submit to drug testing, which may include testing for alcohol, in the following situations:**

- **Post Accident Evaluations:** When an employee's actions, or failure to act, appear to be the cause of an accident or a serious near-accident in the workplace, whether on or off duty.
- **Reasonable Suspicion Testing:** When JPL reasonably suspects, based on behavior or other circumstances, that an employee is reporting for work or working, either A) with unauthorized drugs in his/her system; or B) when impaired by drugs, including alcohol or other mind-altering substances.
- **Mandated Testing:** Mandated testing may be required, as a condition of continued employment, when an employee has violated aspects of this Drug-free Workplace Policy in a manner that does not require immediate termination. These employees, including but not limited to employees returning to work from JPL-required treatment or rehabilitation for alcohol and/or drug abuse and employees who have entered into a *Last Chance Agreement* with JPL, will be required to pass subsequent unannounced follow up drug tests, which may include testing for alcohol.

### 6.2.1 Testing of Employees in Designated Safety-Sensitive Positions

6.2.1.1 Individuals in designated safety-sensitive positions are subject to periodic, unannounced, random tests for drugs.

6.2.1.2 Safety-sensitive positions generally involve the performance of work on a regular, recurring basis in any one of the following

functions in which the effects of errors or mistakes are likely to result in the loss of life, serious injury, and/or significant loss or destruction of property or resources:

- a. Work with explosive, toxic, radioactive, or other dangerous materials, substances or equipment, or fluids or gases under pressure.
- b. Operation or maintenance of transportation or major mechanical or electrical equipment
- c. Protection of life and property if ammunition or firearm is used (or could be used) in the performance of the job

6.2.1.3 Employees in designated safety-sensitive positions are notified in writing that they hold a safety-sensitive position and that they are subject to testing as required by this Drug-Free Workplace Requirement.

6.2.1.4 Employees in designated safety-sensitive positions will be included in a pool from which individuals are randomly selected to participate in the unannounced testing.

6.2.1.5 Generally, 10% of the pool of individuals subject to random testing may be tested each year.

6.2.1.6 The frequency of testing will be determined by JPL.

6.2.1.7 Management reserves the right to increase or decrease the testing percentage and/or frequency consistent with the duty to achieve a drug-free workplace.

6.2.1.8 An employee's refusal to submit to testing may result in discipline up to and including termination.

6.2.1.9 Failure to provide a urine specimen may be considered a refusal to be tested.

6.2.1.10 Failure to appear for testing within the prescribed timeframe without justification acceptable to management and/or the Deputy Director of JPL may be considered a refusal to be tested.

## **6.2.2 Testing Based on Post Accident Evaluation, Reasonable Suspicion or Mandated**



- 6.2.2.1 Management and employees are responsible for contacting Employee Relations when an individual is reasonably suspected of being impaired by drugs, including alcohol or other mind-altering substances in violation of this Requirement.
- 6.2.2.2 An employee's refusal to submit to testing may result in discipline, up to and including termination.
- 6.2.2.3 Failure to appear for testing within the prescribed timeframe and provide a urine specimen and/or breath sample may be considered a refusal to be tested.
- 6.2.2.4 An employee who successfully passes the drug test is permitted to return to work, absent other circumstances that preclude such return.

***Note:** Refer to the policy "Fitness for Duty," and the procedure "Fitness for Duty."*

## **7.0 DOT Testing**

The Department of Transportation (DOT) prohibits certain conduct and requires random drug and alcohol testing of safety-sensitive transportation employees with commercial driver's licenses defined by [Title 49: Transportation Part 40](#) and [Part 382 --: Title \(Controlled Substances and Alcohol Use and Testing\)](#). Safety-sensitive transportation employees also must comply with JPL's policies with respect to drug and alcohol use and testing which, in some cases, are more stringent than DOT requirements. The management of DOT drug and alcohol testing is contracted out by JPL and is not administered by JPL. For the complete DOT regulations on Drug and Alcohol Testing, please click the links above. For additional information about JPL's compliance with DOT drug and alcohol testing requirements, contact Employee Relations.

## **8.0 Consequences of a Positive Test Result**

- 8.1 The MRO will consider relevant biomedical information when interpreting and evaluating a drug test. A positive test result which is determined by JPL to be a violation of this Requirement will result in disciplinary action up to and including termination, even for the first offense.
  - 8.2 If it is determined that an employee provided a specimen that was altered, diluted or substituted, the individual may be subject to immediate termination.
  - 8.3 Failure by an employee to pass any mandated testing will result in immediate termination.
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